

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIANNA NICOLE SPARLING,

Defendant.

CR 19–46–M–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on December 13, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommended this Court accept Brianna Nicole Sparling’s guilty plea after Sparling appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to possession with intent to

distribute controlled substances in violation of 21 U.S.C. § 841(a)(1) as set forth in the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 30), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Brianna Nicole Sparling's motion to change plea (Doc. 23) is GRANTED and Brianna Nicole Sparling is adjudged guilty as charged in the Indictment.

DATED this 3rd day of January, 2020.



Dana L. Christensen, Chief District Judge
United States District Court